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APPLE INC.
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14 Attorneys for Defendants
AMAZON.COM, INC., a Delaware
15 corporation, and AMAZON DIGITAL
SERVICES, INC., a Delaware corporation
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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
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20 APPLE INC.,

21 Plaintiff,

22 v.

23 AMAZON.COM, INC., et al.,

24 Defendants.
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No. 11-cv-01327 PJH

Action Filed: March 18, 2011

~~[PROPOSED]~~ ORDER DISMISSING
ACTION

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2 WHEREAS, Apple Inc. ("Apple") sued Amazon.com and Amazon Digital Services, Inc.
3 ("Amazon") on March 18, 2011 in Civil Action No. 11-cv-01327 PJH in the United States District
4 Court for the Northern District of California ("the Complaint") claiming that Amazon's use of
5 Appstore infringed Apple's rights in App Store, and;

6 WHEREAS, Amazon filed an answer and counterclaim for declaratory relief of non-
7 infringement on April 25, 2011 ("the Counterclaim"), and;

8 WHEREAS, Apple issued to Amazon a covenant not to sue ("the Covenant") on June 28,
9 2013, and wishes to have the Complaint dismissed with prejudice, and;

10 WHEREAS, the Covenant issued by Apple to Amazon renders the Counterclaim moot and,
11 therefore, Amazon wishes to have the Counterclaim dismissed without prejudice;

12 THEREFORE, the parties request that the Court enter this Order accomplishing those
13 dismissals.

14
15 DATED: July 8, 2013.

DAVID R. EBERHART
DAVID J. SEPANIK
O'MELVENY & MYERS LLP

17 By: /s/ David R. Eberhart
18 DAVID R. EBERHART

19 Attorneys for Plaintiff
APPLE INC.

20 DATED: July 8, 2013.

MARTIN R. GLICK
DANIEL B. ASIMOW
SEAN M. CALLAGY
ARNOLD & PORTER LLP

23 By: /s/ Martin R. Glick
24 MARTIN R. GLICK

25 Attorneys for Defendants AMAZON.COM, INC., a
26 Delaware corporation, and AMAZON DIGITAL
27 SERVICES, INC., a Delaware corporation
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1 IT IS SO ORDERED.

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4 DATED: July 9, 2013.
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